

DEPARTMENT OF TRANSPORTATION - District 4 Toll Bridge Program

333 Burma Rd.
Oakland, CA 94607
(510) 286-0538, (510) 286-0550 fax



Kiewit-FCI-Manson, JV
220 Burma Rd.
Oakland, CA 94607

Attn: Mr. Dan Proctor

July 17, 2007

Contract No. 04-0120E4
04-SF-80-13.4, 13.8
SAS T1 & E2 Foundations
SFOBB-ESSSP

Letter No. 05.003.01-003303

Subject: Acknowledgement of Receipt of KFM Transmittal No. 569, Revision No. 00 (NOPC #06-062007
Referral to DRB)

Dear Dan,

The Department has received Kiewit-FCI-Manson (KFM) Transmittal No. 569, dated July 5, 2007, which referred NOPC No. 06 to the Dispute Review Board (DRB).

As stated in Letter No. 3235, the Department reminded KFM in Letter Nos. 2147 and 2955 and in numerous weekly meetings, the contractual requirements pertaining to timely notice of disputes arising under the contract. However, the Contractor did not submit the initial notice of potential claim within the time frame allowed in Section 9-1.04, "Notice of Potential Claim," of the amended Standard Specifications and failed to conform to the specified contractual dispute procedures.

In accordance to Sections 9-1.04, "Notice of Potential Claim" of the amended Standard Specifications and 5-1.15 "Dispute Review Board" of the Special Provisions, the Department finds no contractual basis for the Contractor's referral to the DRB of this late NOPC No. 06.

If you have any question, please contact this office at (510) 286-0538.

Sincerely,

Pedro J. Sanchez
Resident Engineer

cc: DRB Members: W. Bullock, R. Maasberg, R. Lewis.
R. Morrow
P. Sanchez
M. Woods
M. Vilcheck

file: 05.003.01, 62.001.06